



OFFICE OF CITY CLERK

PUBLIC SAFETY COMMITTEE

January 22, 2009

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 22, 2009 at 8:56 a.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Dina Higgins
Scott Somers

COMMITTEE ABSENT

None

STAFF PRESENT

Christopher Brady
Alfred Smith
Trisha Sorensen

1. Items from citizens present.

There were no items from citizens present.

2. Hear a presentation, discuss and make a recommendation on the Police Department's Off-Duty Employment Program.

Assistant Police Chief Mike Denney reported that this item is a follow-up to the November 17, 2008 Public Safety Committee meeting, at which time staff made a presentation concerning the Mesa Police Department's Off-Duty Employment Program. He explained that staff was asked to research the manner in which the City regulated the program. Chief Denney advised that in 1996, Mesa adopted Phoenix's Traffic Barricade Manual and stated that the document currently requires businesses or organizations that engage in construction or maintenance operations on public roadways, sidewalks or right-of-ways in Mesa to hire off-duty Mesa police officers for traffic safety.

Chief Denney indicated that the Committee is being asked to consider implementing an ordinance to establish an off-duty work protocol that would require businesses and other organizations that hold events on or in City property, or businesses or other organizations that require a special event permit (and the event is held on or in City property) to hire off-duty Mesa police officers to provide security. He said that staff proposes the inclusion of additional language in Chapter 1, Section 5 of the City Code (Bolded language in Sections 5-1-2 and 5-1-4), which would expand the basis for off-duty employment. (See Attachment 1) Chief Denney briefly highlighted the proposed modifications to the Code and requested direction from the Committee in this regard.

Responding to a question from Committeemember Higgins, Deputy City Attorney Alfred Smith stated that in his opinion, the City could not mandate a private entity holding a special event that is not on City property to hire off-duty Mesa police officers to provide security if, in fact, there was no security requirement necessary.

In response to a question from Committeemember Higgins, Chief Denney clarified that per ordinance, off-duty Chandler police officers are required to assist only with traffic control. He commented, however, that individuals often contact the Chandler Police Department to request off-duty police officers to provide security, but said that such requests are not enforceable. Chief Denney added that like Mesa, Chandler utilizes an Off-Duty Coordinator to arrange for off-duty officers to staff various events.

Responding to an inquiry from Committeemember Somers, Chief Denney explained that the proposed language in Section 5-1-4 requires that a person applying for a special event permit for an activity occurring on or in City property must hire an off-duty Mesa police officer to staff the event. He noted, however, that the proposal makes no provision regarding personnel from other agencies.

Committeemember Somers questioned the reason for the Committee being asked to consider the proposed language related to the special event permit at this time when it has not been mandated in the past. He inquired if the Police Department was aware of certain crime statistics that would warrant such action.

Chief Denney responded that he was unaware of any crime statistics that would demonstrate the need to implement the proposal and said that staff's main focus was to protect City property and facilities.

Chairman Kavanaugh referenced the proposed language contained in Attachment 1 (i.e., 25 or more participants and if alcoholic beverages will be served) and inquired if such provisions would apply to events held at Hohokam Stadium, Mesa Amphitheatre, the Convention Center and the Mesa Arts Center.

Mr. Smith explained that when a person applies for a special event permit and the event meets the criteria under Section 5-1-4, staff would determine whether the service of an off-duty Mesa police officer was necessary. He stated that such criteria would include the date, time and location of the special event; the expected duration of the special event; the number of participants/attendees; and if alcoholic beverages will be served or consumed at the event.

City Manager Christopher Brady advised that with regard to events held at the City facilities cited by Chairman Kavanaugh, staff typically works with the promoters and brings the Police Department into the process early on in order to address liability concerns. He said that the City may, independent of staff's proposal, already have a procedure in place that requires a certain presence of Mesa police officers at special events on City property because of the nature of the activities (i.e., if alcoholic beverages will be served/consumed, the number of attendees).

Discussion ensued relative to the fact that the City does not have the authority to regulate the hiring of off-duty police officers for events at Mesa high schools; that the schools have the prerogative to hire off-duty officers from other communities; and that the proposed language

would allow the City to enforce the provisions agreed to by a person applying for a special event permit for an activity held on or in City property.

Committeemember Higgins concurred with Committeemember Somers' comment and inquired how much of a difference the ordinance would make if it was adopted by the Council.

Mr. Brady advised that he originally recalled conversations concerning off-duty employment by Mesa police officers as it relates to Mesa right-of-way construction projects. He explained that it was determined that it would be in the City's best interest to allow Mesa police officers the first right of refusal to assist with traffic control at such projects. Mr. Brady said that an ordinance was adopted in that regard, but questioned whether the City has been effective in its enforcement of the ordinance.

Mr. Brady also remarked that conversations eventually evolved to off-duty Mesa police officers providing security for City facilities and property. He stated that because the City owns these assets and negotiates the use/lease terms for the property, he is "very comfortable" that there would be a police presence at special events that are held on or in City property. Mr. Brady added that with such provisions in place, he questioned whether staff's proposal is really necessary.

Mr. Brady further commented that the greatest concern that should be addressed is whether the City has established that the Mesa Police Department is the first contact to assist with traffic control of City right-of-way construction projects. He suggested that what might be occurring is if work is being done in City right-of-ways by State or County agencies, those entities might hire sheriff's deputies to assist with traffic control. Mr. Brady questioned if the City could create an ordinance that would specify that in such instances, the Mesa Police Department would have the first right of refusal to assist with traffic control.

Responding to Mr. Brady's inquiry, Chief Denney clarified that to the best of his recollection, the Mesa Traffic Barricade Manual requires that Mesa police officers be hired to assist with traffic control of City right-of-way construction projects. He concurred that there may be an issue with regard to whether the entities engaged in the construction/maintenance operations are aware of the provision and if it is being enforced. Chief Denney added that if there were no Mesa police officers available to perform such duties, which he would find very unlikely, then it would be necessary for those entities to seek out alternative resources.

Chairman Kavanaugh clarified that the issue currently before the Committee is to consider implementing an ordinance to establish an off-duty work protocol as previously outlined by Chief Denney.

Committeemember Higgins concurred with Mr. Brady that the ordinance is unnecessary.

Chief Denney stated that the Police Department would most likely use on-duty officers to assist with traffic control. He explained that the ordinance would provide an option to the Police Department to use off-duty officers and not draw down from existing personnel on the street.

Mr. Brady commented that in his opinion, Police Chief George Gascon should be the individual to determine whether it is more cost effective for the Police Department to use off-duty or on-duty police officers for traffic control.

Chief Denny explained that it was the intent of the ordinance to include information in the special event permit so that an applicant would be aware of certain liabilities in terms of hiring an off-duty Mesa police officer.

Chairman Kavanaugh acknowledged that the Committee understands and supports such a philosophy, but said that the inclusion of such information in an ordinance is probably not necessary if the City can address those issues on a contractual basis.

Mr. Brady clarified that it was his understanding of the Committeemembers' direction that they would prefer that special events held on or in City property be staffed by on-duty or off-duty Mesa police officers, and said that the City would negotiate those terms with event organizers.

Committeemember Somers stated that with regard to the issue of cost recovery, he would prefer that off-duty police officers staff the special events.

Mr. Brady concurred with Committeemember Somers' comment and said that staff would most likely negotiate that event organizers use off-duty Mesa police officers.

Chairman Kavanaugh stated that it was the consensus of the Committee that it was not necessary to take action on this agenda item and that the Committee's discussion on the record was sufficient to reflect their feedback and concerns.

Further discussion ensued relative to the fact that there may be instances when a sheriff's deputy might assist with traffic control when road construction/maintenance projects occur on certain sections of a street (i.e., Power Road) that are located outside the City limits.

Chairman Kavanaugh thanked staff for the presentation.

3. Adjournment.

Without objection, the Public Safety Committee meeting adjourned at 9:21 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 22nd day of January 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

baa/pag
(attachments – 3)